

LOUISIANA STATE BOARD OF PRACTICAL NURSE EXAMINERS
131 AIRLINE DRIVE, SUITE 301
METAIRIE, LOUISIANA 70001-6266
(504) 838-5791
FAX (504) 838-5279
www.lsbpne.com

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FEB -1 2016
L.S.B.P.N.E.

In the matter of: **Cindy Wunstell**
 149 Carlos St.
 Houma, LA 70364

License #900919

Date offered: **January 22, 2016**

Date offer expires: **February 11, 2016**

CONSENT AGREEMENT/ORDER

The Louisiana State Board of Practical Nurse Examiners does hereby offer this consent agreement/order to **Cindy Wunstell, license #900919**, based on the following:

FINDINGS OF FACT

1. On December 7, 2015 the respondent submitted her 2016 renewal application to obtain her 2016 practical nursing license. According to the respondent's responses, she indicated that she works full time as a licensed practical nurse at Dr. David Pellegrin Gastroenterology Center of the South of Houma, LA and last practiced as an LPN on 12/15/2015. However, the respondent's practical nursing license expired on January 31, 2015, thus she was working without a current license to do so.
2. On December 8, 2015, the board sent a notice to the respondent requesting that she cease and desist the practice of practical nursing without a valid license to do so and requested a detailed narrative statement concerning the allegations.
3. According to the respondent's narrative statement she does not routinely use email so she was unaware that she did not receive an email notifying her of renewal of her license. A friend of the respondent reminded her of the renewal of her license and she was told by the board office that she was working on an expired license. She attributes this to the recent change of notification of renewals. In the last 25 years, the respondent has never failed to renew her license. The respondent states that this was an honest mistake.


Cindy Wunstell C.A.

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CONCLUSIONS OF LAW

Based on the evidence submitted, the board has concluded that Ms. Wunstell is in violation of the Professional and Occupational Standards Part XLVII. Nurses Subpart 1 Practical Nurses, Title 46, Chapter 3, Section 306:

6. Practicing Practical Nursing unless duly licensed to do so;
7. Using in connection with his/her name any designation tending to imply that he/she is a practical nurse without being duly licensed to practice by the board;
8. being guilty of unprofessional conduct;
 - t. violating any provisions of R.S. 37:961 et seq. (the practical nursing practice act), as amended or aiding or abetting therein.

And, The Louisiana Revised Statutes of 1950, Title 37, Chapter 11, Part II, Section 978. A:

- (3) Practice practical nursing unless duly licensed to do so under the provisions of this Part;
- (4) Use in connection with his name any designation tending to imply that he is a practical nurse, unless licensed to practice under the provisions of this Part;
- (5) Practice practical nursing during the time his license has lapsed because of his intentional failure to renew the license;
- (8) Violate any provisions of this Part; and B.

In lieu of a formal hearing on the matter, the respondent consents to accept and abide by the following orders of the board:

1. The respondent shall be issued a letter of reprimand as disciplinary action against the respondent's license for the violations of the Nurse Practice Act.
2. The respondent is hereby fined **\$1000.00** for the violations of the Nurse Practice Act, payable by **cashier's check or money order only, \$500 due within 60 days from the date of this order and \$500 due within 120 days from the date of this order.**


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The respondent is hereby notified and by signature Cindy Wunstell
acknowledges and agrees that failure to comply with any and/or all sections of this order may
result in any or all of the following:

VIOLATIONS

Failure to comply with any and/or all sections of this order may result in any and/or all of the following: a) immediate suspension of license, b) indefinite suspension of license, c) ineligibility for annual renewal of license, d) additional fines/penalties up to \$500.00 per occurrence, e) increased probationary period, f) summary suspension, and/or g) revocation.


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LETTER OF REPRIMAND

In the matter of: **Cindy Wunstell**
 149 Carlos St.
 Houma, LA 70364

License #900919

Date: **January 22, 2016**

The Louisiana State Board of Practical Nurse Examiners hereby issues this letter of reprimand against **Cindy Wunstell, license #900919**, based on the following:

FINDINGS OF FACT

1. On December 7, 2015 the respondent submitted her 2016 renewal application to obtain her 2016 practical nursing license. According to the respondent's responses, she indicated that she works full time as a licensed practical nurse at Dr. David Pellegrin Gastroenterology Center of the South of Houma, LA and last practiced as an LPN on 12/15/2015. However, the respondent's practical nursing license expired on January 31, 2015, thus she was working without a current license to do so.
2. On December 8, 2015, the board sent a notice to the respondent requesting that she cease and desist the practice of practical nursing without a valid license to do so and requested a detailed narrative statement concerning the allegations.
3. According to the respondent's narrative statement she does not routinely use email so she was unaware that she did not receive an email notifying her of renewal of her license. A friend of the respondent reminded her of the renewal of her license and she was told by the board office that she was working on an expired license. She attributes this to the recent change of notification of renewals. In the last 25 years, the respondent has never failed to renew her license. The respondent states that this was an honest mistake.


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CONCLUSIONS OF LAW

Based on the evidence submitted, the board has concluded that Ms. Wunstell is in violation of the following provisions of Louisiana Revised Statutes, Title 37, Chapter 11. Nurses, Part II. Practical Nurses, Section 969 A.(4):

- (a) is guilty of fraud or deceit in procuring or attempting to procure a license to practice practical nursing;
- (b) is guilty of a crime;
- (c) is unfit, or incompetent by reason of negligence habit, or other causes;
- (d) is habitually intemperate or is addicted to the use of habit forming drugs;
- (e) is mentally incompetent;
- (f) is guilty of unprofessional conduct;
- (g) has violated any provisions of this Part; and

§978 A.

- (3) Practice practical nursing unless duly licensed to do so under the provisions of this Part;
- (4) Use in connections with his name any designation tending to imply that he is a practical nurse, unless licensed to practice under the provisions of this Part;
- (8) Violate any provisions of this Part; and B.

Furthermore, the respondent is hereby fined **\$1,000.00** for the above violations, \$500 due within **60 days** of the date of this order and \$500 due within **120 days** of the date of this order.

The board has jurisdiction over the respondent's license and hereby publicly reprimands the respondent for violating the Nurse Practice Act. This letter of reprimand is considered disciplinary action by the Louisiana State Board of Practical Nurse Examiners. This disciplinary action is reportable to all applicable state and federal agencies.

M. Lynn Ansardi R.N.

M. Lynn Ansardi
Executive Director

W
Cindy Wunstell C.A.

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CONSENT AGREEMENT//ORDER ACCEPTANCE

I, Cindy Wunstell, the undersigned respondent, agree that the board has jurisdiction over the matter and specifically waive my right to contest these findings in any subsequent proceedings before the board. I understand that this agreement shall constitute as public record and is considered disciplinary action by the board. I also understand that this action will be reported as mandated to all state and federal agencies.

I further acknowledge and attest that I have fully cooperated with the Louisiana State Board of Practical Nurse Examiners in resolving this matter and intend to comply with all stipulations of this agreement.

I voluntarily agree to sign and have witnessed the terms of this agreement for the purpose of avoiding a formal hearing with the Louisiana State Board of Practical Nurse Examiners.

I do say that I freely, knowingly and voluntarily enter into this agreement. I understand that I have a right to a hearing in the matter and I freely waive such right. I understand that I have a right to legal counsel prior to entering into this agreement.

I understand that this agreement is effective immediately upon signature of the executive director and will become an order of the board. It is understood that this agreement does not preclude the Board of Practical Nurse Examiners from requiring a formal hearing of my case. I further understand that should this agreement not be accepted by the board, I agree that presentation to and consideration of this agreement, the documenting evidence and information obtained by the board shall not unfairly or illegally prejudice the board or any of its members from participation in hearings or other proceedings pertaining to these or other matters.

I further agree that if at any point during the execution of this agreement, I violate the stipulations set forth, my license will be suspended. In order for my license to be reinstated, I must demonstrate, to the satisfaction of the board that I pose no danger to the practice of nursing or to the public and that I can safely and competently perform the duties of a practical nurse. The board, in reinstating my license, will require a period of probation, along with supportive conditions or stipulations as outlined in this agreement to ensure that patients and the public are protected.

Cindy Wunstell
Signature of licensee/applicant

1-26-2016
Date

David C. Pilla
Signature of witness #1

1/26/2016
Date

[Signature]
Signature of witness #2

1/26/2016
Date

M Lynn Ansardi RN
M. LYNN ANSARDI, RN
EXECUTIVE DIRECTOR

2/1/2016
Date

CW
Cindy Wunstell C.A.

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DO NOT ACCEPT

I, _____, DO NOT ACCEPT the consent order offered
and request to appear before the board for a formal hearing.

I am not accepting this order for the following reason(s):

LICENSEE SIGNATURE

DATE

WITNESSES:

WITNESS # 1 SIGNATURE

DATE

WITNESS # 2 SIGNATURE

DATE

CW
Cindy Wunstell C.A.